

08/583,062


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/583,062 01/03/96 MURAKAMI

ACRM1/1011

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THEKKE/EXAMINER

ART UNIT PAPER NUMBER

1300

DATE MAILED:

10/11/96

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS
OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three(3) months month(s), or thirty days, ~~whichever is longer~~, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) filed with case on January 3, 1996
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-6 are rejected under 35 U.S.C. § 102(B) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over either Okamoto (U.S. Patent No. 4,818,394) or Yuki (U.S. Patent No. 4,786,416). The claims are considered to read on each of Okamoto (U.S. Patent No. 4,818,394) or Yuki (U.S. Patent No. 4,786,416). However, if a difference exists between the claims and each of Okamoto (U.S. Patent No. 4,818,394) or Yuki (U.S. Patent No. 4,786,416), it would reside in optimizing

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the elements of each of Okamoto (U.S. Patent No. 4,818,394) or Yuki (U.S. Patent No. 4,786,416). It would have been obvious to optimize the elements of each of Okamoto (U.S. Patent No. 4,818,394) or Yuki (U.S. Patent No. 4,786,416) to enhance separation.

Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Yuki (U.S. Patent No. 4,786,416) in view of Okamoto (U.S. Patent No. 4,818,394). At best, the claim differs from Yuki (U.S. Patent No. 4,786,416) in reciting the pore size. Yuki (U.S. Patent No. 4,786,416) calls for a carrier having appropriate voids on column 4, lines 49-50. Okamoto (U.S. Patent No. 4,818,394) (column 3, lines 35-36) discloses an appropriate pore diameter is from 10 Angstroms to 100 microns. It would have been obvious to use a pore diameter from 10 Angstroms to 100 microns because Yuki (U.S. Patent No. 4,786,416) calls for a carrier having appropriate voids on column 4, lines 49-50 and Okamoto (U.S. Patent No. 4,818,394) (column 3, lines 35-36) discloses an appropriate pore diameter is from 10 Angstroms to 100 microns.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (703) 308-0362.

EGT/7

October 8, 1996



ERNEST G. THERKORN
PRIMARY EXAMINER
ART UNIT 136